



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
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Memorandum

To: The Honorable Steven M. Costantino
Chairman, House Finance Committee

The Honorable Daniel DaPonte
Chairman, Senate Finance Committee

From: Rosemary Booth Gallogly *RB Gallogly*
Executive Director/State Budget Officer

Date: April 24, 2009

Subject: New Article for the FY 2010 Appropriation Act (09-H-5983)

The Governor requests that a technical correction be made relating to judicial pensions. This is to correct an error in the draft of last year's pension reform. In the enacted article, there was no provision for a death benefit if death occurs before retirement. The proposed change restores the death benefit which existed prior to reform.

Should you have any questions regarding this amendment, feel free to call me at 222-6300.

cc: Representative Robert A. Watson
Michael O'Keefe
Peter Marino
Brian Stern
Tim Costa
Michael Cronan
Gregory Stack

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1 where such option is exercised by giving the general treasurer notice in writing thereof within
2 ninety (90) days after the date of his or her retirement his or her surviving spouse or domestic
3 partner or minor children shall receive annually one-half (1/2) of his or her retirement pay during
4 his or her lifetime so long as he or she remains unmarried or not in a domestic partnership, or the
5 children are under twenty-one (21) years of age.

6 (c) Whenever any justice of the supreme court, the superior court, the family court, or the
7 district court who was engaged as a judge on or after January 1, 2009, dies during active service
8 while eligible for retirement, or during active service after having served fifteen (15) years or
9 more in office, his or her surviving spouse or domestic partner shall receive annually thereafter,
10 during his or her lifetime and so long as he or she remains unmarried or not in a domestic
11 partnership, an amount equal to one-half (1/2) of the annual payment that the justice was
12 receiving by way of salary.

13 (d) Whenever a justice of any of the courts who was engaged as a judge on or after
14 January 1, 2009, shall die without having become eligible to retire either under § 8-3-7 or 8-3-8
15 and has served seven (7) years or more in office, his or her surviving spouse or domestic partner
16 shall receive annually thereafter, during his or her lifetime and so long as he or she remains
17 unmarried or not in a domestic partnership, one-third (1/3) of the annual salary that the justice
18 was receiving at the time of his or her death.

19 (e) Whenever a justice of the courts who was engaged as a judge on or after January 1,
20 2009, shall die without having become eligible to retire either under § 8-3-7 or 8-3-8 and has not
21 served seven (7) years in office, his or her surviving spouse or domestic partner shall receive
22 annually thereafter, during his or her lifetime and so long as he or she remains unmarried or not in
23 a domestic partnership, one-fourth (1/4) of the annual salary that the justice was receiving at the
24 time of his or her death.

25 ~~(e)~~(f) In the event the deceased justice shall have no surviving spouse or domestic
26 partner, or the surviving spouse or domestic partner should predecease their minor children, then

1 the benefits conferred by this section shall be received in equal shares by the minor children, if
2 any, until each shall attain the age of twenty-one (21) years. ~~Any justice of the courts who retires~~
3 ~~under the provisions of § 8-3-7, 8-3-8, or 8-3-12 may at his or her option elect to receive three-~~
4 ~~fourths (3/4) of his or her retirement pay, and where such option is exercised by giving the~~
5 ~~general treasurer notice in writing thereof within two (2) years after the date of his or her~~
6 ~~retirement, his or her surviving spouse or domestic partner or minor children shall receive~~
7 ~~annually one-half (1/2) of his or her retirement pay during his or her lifetime so long as he or she~~
8 ~~remains unmarried or not in a domestic partnership, or the children are under twenty-one (21)~~
9 ~~years of age.~~

10 SECTION 2. Section 28-30-17 of the General Laws in Chapter 28-30 entitled "Workers'
11 Compensation Court" is hereby amended to read as follows:

12 **§ 28-30-17. Allowance to surviving spouses and domestic partners of deceased**
13 **judges.** – (a) Whenever any judge of the workers' compensation court who was engaged as a
14 judge prior to January 1, 2009 dies after retirement or during active service while eligible for
15 retirement or during active service after having served fifteen (15) years or more in office, his or
16 her surviving spouse or domestic partner shall receive annually thereafter during his or her
17 lifetime and so long as he or she remains unmarried or not in a domestic partnership, an amount
18 equal to one-half (1/2) of the annual payment that the judge was receiving by way of salary or
19 retirement pay at the time of his or her death.

20 (b) For those engaged as a judge on or after January 1, 2009, the judge may elect to
21 receive retirement pay that is reduced by an additional ten percent (10%) of the average of the
22 highest three (3) consecutive years annual compensation (i.e., ninety percent (90%) reduced to
23 eighty percent (80%) or seventy percent (70%) reduced to sixty percent (60%)) and where such
24 option is exercised by giving the general treasurer notice in writing thereof within ninety (90)
25 days after the date of his or her retirement his or her surviving spouse or domestic partner or
26 minor children shall receive annually one-half (1/2) of his or her retirement pay during his or her

1 lifetime so long as he or she remains unmarried or not in a domestic partnership, or the children
2 are under twenty-one (21) years of age.

3 (c) Whenever a judge of the workers' compensation court dies without having become
4 eligible to retire either under § 28-30-15 or 28-30-16 and has served seven (7) years or more in
5 office, his or her surviving spouse or domestic partner shall receive annually thereafter during his
6 or her lifetime and so long as he or she remains unmarried or not in a domestic partnership one-
7 third (1/3) of the annual salary that the judge was receiving at the time of his or her death.

8 ~~(d) Any judge who retires under the provisions of § 28-30-15 or 28-30-16 may at his or~~
9 ~~her option elect to receive three fourths (3/4) of his or her retirement pay, and where that option~~
10 ~~is exercised by giving the general treasurer notice in writing within two (2) years after the date of~~
11 ~~his or her retirement, his or her surviving spouse or domestic partner or minor children shall~~
12 ~~receive annually one half (1/2) of his or her retirement pay during his or her lifetime so long as~~
13 ~~he or she remains unmarried or not in a domestic partnership or the children are under twenty-one~~
14 ~~(21) years of age.~~

15 (d) Whenever any judge of the workers' compensation court who was engaged as a judge
16 on or after January 1, 2009 dies during active service while eligible for retirement or during
17 active service after having served fifteen (15) years or more in office, his or her surviving spouse
18 or domestic partner shall receive annually thereafter during his or her lifetime and so long as he
19 or she remains unmarried or not in a domestic partnership, an amount equal to one-half (1/2) of
20 the annual payment that the judge was receiving by way of salary or retirement pay at the time of
21 his or her death.

22 (e) Whenever a judge of the workers' compensation court dies without having become
23 eligible to retire either under § 28-30-15 or 28-30-16 and has not served seven (7) years in office,
24 his or her surviving spouse or domestic partner shall subsequently receive annually during his or
25 her lifetime and so long as he or she remains unmarried or not in a domestic partnership, one
26 fourth (1/4) of the annual salary that the judge was receiving at the time of his or her death.

1 (f) In the event the deceased judge has no surviving spouse or domestic partner or the
2 surviving spouse or domestic partner predeceases their minor children, the benefits conferred by
3 this section shall be received in equal shares by the minor children, if any, until each attains the
4 age of twenty-one (21) years.

5 SECTION 3. This article shall take effect upon passage.